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Item 7 of the provisional agenda

PROVISIONAL AGENDA FOR THE WORLD CONFERENCE AND DOCUMENTATION, INCLUDING THE QUESTION OF THE FINAL OUTCOME

Recommendations concerning the provisional agenda of the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

Report of the Secretary-General

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RECOMMENDATIONS SUBMITTED BY NON-GOVERNMENTAL ORGANIZATIONS

Human Rights Watch

GE.92-13923/0805K (E)

1. Human Rights Watch wishes to suggest that the human rights of women be included in the agenda of the 1993 United Nations World Conference on Human Rights.

2. Human Rights Watch is a United States-based international human rights organization composed of five regional divisions - Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch - that monitor the human rights practices and violations of Governments. In 1990, Human Rights Watch established a Women's Rights Project that, in conjunction with the regional divisions, monitors human rights violations in the forms of violence against women and sex discrimination. The Women's Rights Project is dedicated to integrating the protection, promotion and prevention of violations of the human rights of women into all aspects of human rights work. It is guided in its efforts by an Advisory Committee of experts in the field of international women's human rights. A list of the members of the Advisory Committee is attached.

3. In our work thus far, the Advisory Committee of the Women's Rights Project has found the contributions of the Commission on the Status of Women (CSW) and the Committee on the Elimination of Discrimination Against Women (CEDAW) to be invaluable to the protection of the human rights of women. The World Conference presents an opportunity to build on their achievements. We take the opportunity to offer suggestions, based upon our own experience in the field, on strategies that could effectively incorporate meaningful discussion of the human rights of women into the World Conference. Our recommendations are meant to be neither comprehensive nor exclusive, but to reflect our primary concerns with regard to the protection of women's human rights within the United Nations system. We have also conveyed these suggestions to Ms. Chafika Sellami-Meslem of the Division for the Advancement of Women, whose work in this area has been exemplary.

4. Although we write in advance of the publication of a World Conference agenda and thus without guidance as to its precise structure, our intention is to present substantive recommendations in the areas in which we have expertise. Our proposals involve objectives (c), (d) and (e) of General Assembly resolution 45/155 (para. 1): improving the implementation of existing human rights instruments; evaluating the effectiveness of existing United Nations human rights mechanisms and methods; and recommendations for improving the effectiveness of United Nations human rights mechanisms.

Recommendations for improving implementation of existing human rights instruments

5. Improving the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women ("Women's Convention"), the central instrument concerned with the human rights of women, depends upon adequate institutional support for CEDAW's efforts. CEDAW's ability to perform its work appears to be limited, at least in part, by (i) the large number of far-reaching reservations to the Women's Convention and (ii) the inadequate time allotted its annual session which has engendered a backlog in the reports to be reviewed. Other treaty committees, such as the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee Against Torture meet for substantially longer periods each year. We therefore recommend:

(a) Identifying means to encourage State parties to withdraw or reformulate more narrowly their reservations to the Women's Convention, in order to further the goal of universal ratification and implementation of all basic human rights instruments;

(b) Extended sessions for CEDAW on a regular basis.

Recommendations for evaluation of existing United Nations mechanisms

6. Any thorough assessment requires systematic consideration of the degree to which existing United Nations mechanisms apply to violations of the human rights of women. Such consideration will strengthen the human rights programme as a whole. We offer the following recommendations to assist in the evaluation of (1) United Nations rapporteurs, working groups and independent experts, (2) the treaty-based committees, and (3) the Commission on Human Rights:

1. United Nations rapporteurs, working groups and independent experts

(a) Evaluate the extent to which United Nations thematic rapporteurs, working groups and independent experts have addressed violations of women's human rights in the areas that fall within their mandates. Consider, for example, the extent to which:

(i) The Special Rapporteur on torture addresses violence against women by State agents in his or her investigations and reports;

(ii) The Working Group on Arbitrary Detention covers discriminatory laws and practices resulting in the wrongful detention of women in its investigations and reports;

(iii) The Working Group on Contemporary Forms of Slavery covers trafficking in women for prostitution, forced labour and forced marriage in its investigations and reports;

(iv) The Independent Expert on the right to own property covers discriminatory laws and practices depriving women of ownership in his or her investigations and reports;

(b) Analyse the extent to which country-specific rapporteurs investigate human rights violations perpetrated against women, including forms of abuse disparately suffered by women, in their relevant countries;

(c) Assess the effectiveness of fact-finding techniques used by United Nations rapporteurs, working groups and independent experts to monitor abuses of the human rights of women. Consider the extent to which:

(i) They include gender-disaggregated data in their reports;

(ii) They avail themselves of CSW's and CEDAW's expertise;

(iii) They consult non-governmental organizations concerned with women's rights in regard to all areas that fall within their mandates; and

(iv) They are trained to consider the forms in which women suffer particular abuses of human rights.

2. United Nations treaty-based committees

(a) Address the degree to which the Human Rights Committee has applied the protections guaranteed in the International Covenant on Civil and Political Rights to violations of the human rights of women. Does the Human Rights Committee apply:

(i) The right to freedom of movement to restrictions placed on women, such as requiring permission from male family members or obstructing the acquisition or use of their passports;

(ii) The right to a fair trial to discriminatory laws and practices that hinder women's access to counsel, bar women from testifying or give women's testimony less weight than men's;

(iii) The rights to freedom of expression and association to the banning of women's groups and publications or to a Government's tolerance of acts of violence against women activists or their organizations by private actors;

(iv) The right to vote and be elected to discriminatory laws and practices that impede women from exercising their vote, running for office or participating equally in elective politics;

(b) Assess the extent to which the Human Rights Committee applies the protections and prohibitions in the International Covenant on Civil and Political Rights to government tolerance of pervasive forms of violence against women, including family violence, rape, and assault;

(c) Examine the degree to which the Human Rights Committee implements anti-discrimination articles to combat sex discrimination in the provision of all guaranteed rights, including the right to equality before and equal protection of the law;

(d) Assess the extent to which the Human Rights Committee, the Committee Against Torture, the Committee on the Elimination of Racial Discrimination and other treaty-based committees pose questions, during report examination meetings, that consider and request information on violations of women's human rights as contained in the respective covenant or convention;

(e) Evaluate the extent to which the individual complaints procedures of the treaty-based committees are used to address the abuse of women's human rights.

3. Commission on Human Rights

(a) Evaluate the existing level of cooperation between the Commission on Human Rights and CSW, particularly in terms of its relations with CEDAW. Because CSW at present lacks the authority to investigate allegations and to take action on complaints of consistent patterns of gross and reliably

attested discrimination and violence against women committed by a named Government, mechanisms of cooperation between these Commissions is required for the effective protection of the human rights of women;

(b) Evaluate the extent to which the complaints procedure of the Commission on Human Rights is used to address the abuse of women's human rights.

Recommendations for improving United Nations mechanisms

7. We primarily suggest that the results of the evaluations undertaken at the World Conference be used to formulate recommendations for improving the effectiveness of United Nations mechanisms with regard to the protection and promotion of women's human rights and the prevention of violence against women. The self-evident recommendations listed below are merely preliminary.

1. Protection

(a) The United Nations system, at all levels, should apply general human rights norms and anti-discrimination provisions to the forms of abuse suffered by women, including in its training programmes, reporting system and complaints procedures;

(b) Ensure effective United Nations mechanisms for individual women to present claims of human rights violations and the capacity of the responsible United Nations body to take effective remedial action;

(c) Establish mechanisms and procedures for enhancing cooperation between the Commission on Human Rights and CSW;

(d) Appoint more women as thematic and country-specific rapporteurs.

2. Promotion

(a) Use United Nations training programmes to train more women in the field of human rights and expose them to the operation of United Nations human rights mechanisms;

(b) Use United Nations training programmes to train government officials responsible for preparing the reports of their Governments to human rights supervisory bodies in techniques that consider all forms in which women suffer the abuses of particular human rights;

(c) Train United Nations officials - rapporteurs and members of working groups and the human rights committees - to consider explicitly women's human rights in regard to the areas that fall within their mandates.

3. Prevention

(a) Enhance access to and use of the Secretary-General's advisory services to assist countries that are unable to comply with recommendations because of a lack of expertise or resources;

(b) Strengthen the reporting obligations of countries to require gender-disaggregated data and information;

(c) Identify policies and programmes designed to assist Governments in eliminating de facto discrimination.

Other recommendations

8. In order to facilitate the implementation of the above recommendations, meaningful participation of women in the proceedings of the World Conference is essential. Our suggestions seek to ensure the adequate representation of women:

(a) Guarantee the participation of non-governmental organizations (NGOs), at a minimum of those NGOs with consultative status, at both the regional preparatory conferences and the World Conference itself;

(b) Guarantee the participation of the secretariats of CSW and CEDAW in the preparatory process for and in the proceedings of the World Conference;

(c) Require States parties to respect the principle of equal participation of women and men in their delegations to the World Conference.